

The regular meeting of the Town Assembly of the Village of Arden was held on March 24, 1986.

In attendance were:

Sally Hamburger
Virginia Shaw
Beatrice Jaffe
Ianier Colgan
Greg Condiff
Rae Gerstine
Charles Salkeld
June Kleban
Bernie Kleban
Gail Rinehart
Daniel Szurgyjlo
Ruth Estes
Barbara Fenske
Maryellen Jobson
Eugene Shaw
Lee Starr
Betty Knott
Shaul Gladstone
Harvey Neal
Steve Tanzer
Woody Vandever
Walter Broadbent
Mary Irons
Ruth Holcomb
Sandi Hurlong
Aaron Hamburger
Don Berman

Betty Hahn-Cirker
S. Gallagher-Phalan (NV)
Pat Liberman
Elvie Grimaldi
John Grimaldi
Cy Liberman
Romeo Hubner
Helen Macklem
Marge Roberts
Hugh Roberts
Art Hurwitz
Temma Tanzer
Leon Tanzer
Joan W. Colgan
Thomas E. Colgan
Sam Starr
Michael K. Curtis
Bonnie Burslem
Drew Burslem
Phyllis Wynn (NV)
Bob Wynn (NV)
Susan Rohrbach
Edward Rohrbach
Jim Schwaber
William Theis
Tony Colgan (NV)
Don Holcomb

Jean K. Brachman
Bernard Brachman
Frank Akutowicz
Connie McKinney
Naomi Clark
Dane Miller
Ron Enie
Kate Threefoot
Larry Walker
Ralph Luker
Jean C. Luker
Loretta Gallagher
Bud Gallagher
John Hewlett
Cecilia Vore
Elizabeth Varley Walke
James N. Semenick
Anne Berlin
Susan Warner
Paul Thompson
William Bailey
Marianne Cinaglia
Yvonne King
A. Barnes King
J.D. McCarty
Carl Falco

William Press notified the Advisory Chairman last week that he was resigning as Town Assembly Chairman and withdrawing his name from nomination for election as Town Assembly Chairman. In the absence of a chairman, Town Assembly Secretary, Sally Hamburger, moved that the Advisory Chairman, Donald Berman, be elected to preside at tonight's meeting.

Motion seconded and unanimously approved.

Approval of January minutes:

Ruth Holcomb objected to the incomplete reporting of the challenge to the Trustee's Referendum (p. 154 under Old Business). The Trustees were asked: 1) Why was the village not consulted about the choice of a candidate? 2) How many candidates were considered? 3) Why were residents not given an opportunity to question the candidate?

Minutes approved as written: 28 aye, 23 nay.

Resolution - Cy Liberman

The Arden Town Assembly deeply regrets the decision of its chairman, William Press, to resign from his position and wishes to assure him that his devoted service to this community has been fully appreciated. We believe Mr. Press has been a skillful and even-handed chairman in the often difficult task of conducting our meetings. We praise him for his skill and fairness in the use of

the gavel and also for his repeated attempts, in the face of formidable odds, to get our business conducted and finished in a reasonable time, while making sure everyone was heard. We thank him most warmly for his highly valued years of labor as our assembly chairman.

Temma Tanzer moved an addendum to the resolution: That a committee be formed to ask Bill Press to reconsider running for Town Assembly Chairman.

Resolution approved as ammended.

Don Holcomb volunteered to chair the committee. Volunteers for this committee: Gail Rinehart, Leon Tanzer, John Grimaldi, Gene Shaw, Lee Starr.

Normal rules of Town Assembly procedure were suspended to allow for nominations and elections for standing committees and town officials.

Jim Schwaber moved that the election of Town Assembly Chairman be postponed until the June Meeting. Names of potential nominees should be reported to Advisory Committee before their June meeting.

Motion passed.

Michael Curtis offered his name in nomination. Nominations for Assembly Chairman will also be accepted at the June Town Assembly.

Committee Nominations:

Audit: The name of Joan Lussky was withdrawn, she will be moving from Arden May 1, 1986. Elvira Grimaldi agreed to run.

Playground: Ralph Luker withdrew, Bill Theis agreed to run.

Registration: Patricia Press has withdrawn, Ruth Estes and Elizabeth Varley Walker agreed to run.

Safety: John Berk, a continuing member of the committee, has moved suddenly. Therefore, four new members are needed. The fourth elected person will serve Mr. Berk's unexpired one-year term. Greg Condiff agreed to run.

Mary Irons agreed to serve as liaison between Town Assembly and the Registration Committee while the committee counts ballots. Mary will alert the committee when an important vote is being taken.

Presentation of the new "Welcome Hither" sign

Walter Broadbent made the new sign, a copy of an older sign that was stored in the Craft Shop. Where shall we put it? The sign may not be safe at the stile; we could put up cheaper copies and place the real sign in a safer location. The last sign at the stile lasted about eight years and disappeared after a storm when DP&L cut down a tree there. A straw vote was taken among the following proposed sites:

- 1) Harvey Rd. & Sherwood - 25 votes
- 2) Field Theater - 7 votes
- 3) In or near a public building - 4 votes
- 4) Stile Path - 35 votes
- 5) The head of Patros Path (Cherry Lane) - 2 votes
- 6) The Memorial Garden - 3 votes

Moved that the new sign be placed at the existing stile site.

Motion passed.

The old stile sign will be displayed at the Arden Archives in the Craft Shoppe.

The Assembly gave a vote of thanks to Walter Broadbent for his fine contribution.

Committee Reports

Trustees - Shaul Gladstone

The Trustees have decided to assume the responsibility of making refunds on land rent to elderly residents who qualify under New Castle County's tax rebate plan, despite the Board of Assessors' report not granting specific authority for same. Checks for same have been issued.

Sally Hamburger was requested to allow her name to be submitted as Trustee-designate, and said permission was granted on March 11, 1986. The Registration Committee has been requested to initiate the referendum procedure. That committee sent a very excellent letter on the subject of referenda to the "Arden Page", (vol. 120, Feb. 1986) and all residents are urged to read same.

The bank balance, as of February 28, 1986 was \$58,379.94.

Discussion: Gene Shaw questioned the Assessors' responsibility for designating how land rent is to be spent. Shaul noted that senior citizen rebates have been requested by the Assessors for the past eight years. Three rebates will be granted.

Assessors - Ron Enie

The committee has met twice. Bill Press has submitted a verbal resignation. The chairman will send him a note thanking him for many years of dedicated service on the Board and within the town. John Hewlett was the runner-up in the election of the Board and will be contacted to replace Bill.

The Board reached the following consensus on the "full rental value" definition:

- 1) The amount of money required to pay the taxes levied against the Arden Trust.
- 2) The amount that the community desires to spend for its "standard of living" as indicated by recent village referenda.
- 3) The amount of money needed to maintain a prudent reserve (with \$50,000 being a maximum goal).

Temma Tanzer presented her concerns about:

- 1) The legality of our present system for assessing and collecting rent.
- 2) The legality of our procedure for paying County taxes.
- 3) The inconsistency of our present procedures.
- 4) The security of our individual home ownership.

Temma will discuss her concerns under New Business.

Buzz Ware Village Center - Cy Liberman

One year ago the Village Center Committee was reorganized after the election of new members and the new committee was hit

with a major problem: the heating system in the building had failed. The committee determined that the old radiant heating system could not be economically repaired and that an entire new system had to be installed. Making that determination, selecting a new heating system and having it installed occupied us during the past year. We are pleased to report tonight that the new system is in place, has passed its final inspection, and that the final bills for it are being paid.

The system cost approximately \$26,200, including interior carpentry work, planning and supervision. We paid for it with \$18,000 from the Wilmington Montessori Association, \$2,000 in a special appropriation from Arden, and the balance from the Village Center maintenance fund, which consists of monthly payments from the Association.

The new heating system increases the value and utility of the building, which is an important asset of the Village of Arden.

The committee has been seeking a state grant of \$5,900 from the Bicentennial Improvement Fund to install insulation and to put new shingles on part of the roof. Our application was tabled at the March meeting of the Bicentennial Commission, but we have been assured it will be approved at the next meeting in June.

We have just had to buy a new floor buffer at a cost of \$450. That money of course comes out of the maintenance fund.

We are making plans for an after-school music program for children of elementary school age, to be conducted one afternoon a week at the center. We hope this free program will start in the Fall. Volunteers interested in helping with such a program are invited to contact Connie McKinney.

We have purchased new canvas covers for the directors' chairs on the stage and we are having its floor refinished. The stage is an area used for many Arden committee meetings.

Discussion:

What is the present level of Arden use of the BWVC? Eighty meetings were held there during the past year, about two or three per week.

Isn't the Bicentennial Grant a subsidy for WMA? Arden is responsible for building maintenance.

Will the proposed music program conflict with WMA's after-school program in room #4? This will have to be negotiated with WMA.

Civic - Gail Rinehart

The garbage contract has been sent to Laxxton. Cost for 86/87 is \$58,000.

The town-wide special trash pick-up is scheduled for Saturday, April 26. The cost is \$450/load for the big trucks and \$65/load for the pick-up truck. Notices will be mailed about ten days prior to the day.

Bob Osborne is under contract to clean up the roads and greens. He will start this week. Bob also has the mowing contract.

The road contractor was brought in recently to patch some potholes at a cost of \$375. It would be helpful if people would call me when they notice such a problem.

Our annual walking tour of the roads is scheduled for Saturday, April 19; raindate is Sunday, April 27.

We will bring in an engineer in early May to assess some of the erosion problems, etc. in the Memorial Garden/Grove areas. We will ask the Arden Club to have a representative at that meeting.

We took down one large, diseased elm and two smaller trees.
Cost - \$650.

The town triangles are being destroyed by cars on a fairly regular basis. I have pinpointed one culprit. Please keep your eyes open.

In early February I spoke to Steve Truet of the highway department concerning:

a) A road sign at Grubb & Harvey & Marsh.

b) A no-right-turn-on-red sign at the same intersection.

The conversation was followed up by a letter from me to Mr. Truet with a map to indicate the specific concerns. I received a letter from him saying he would get back to me after assessing the situation.

The town should be aware that as of this moment, ordinance #12 affecting the closing of the woodlands from dusk to dawn is not in effect for this summer. It was not brought up at the past September town meeting for renewal as specified in the September 1984 town meeting minutes.

Discussion:

Do we need to reactivate ordinance #12? Don't the present ordinances against noise and drinking in the woods and commons cover the situation? These are too difficult for the police to enforce; closing the woodlands is the only effective control.

The committee should ask Mr. Truet to replace the speed limit signs on Harvey Rd.

Community Planning - Frank Akutowicz

Thanks to Bernie Brachman for several terms of good service and hard work on this committee.

The committee succeeded in enforcing ordinance #13, Arden's parking ordinance, at the corner of Hillside and Orleans. Secretary, Cecilia Vore, wrote a letter that did the job.

The woods clean-up is the third Saturday in April this year and, we hope, every year in the future. Please turn out and show your appreciation of our woodlands from 10 AM to 1 PM. Cecilia Vore is coordinating the Naaman's Creek effort with Ardentown.

Senator Myrna Bair has kindly agreed to forward Arden's request to the Highway Dept for a modest rebuilding of Harvey Rd. We have sent her a letter of thanks.

The Avery property development next door to Arden on Marsh Rd. is one step closer to reality. SAC is still holding up construction for drainage and environmental reasons. Number of houses is 18. Dave Biloon, Dept. of Public Works, is doing heroic work for Arden in defending its contiguous lands from serious degradation. This unseen, unknown man deserves the thanks and commendation of the Town Assembly for his efforts on our behalf.

In a letter from Kermit Justice, Secretary, Del. Dept. of Transportation, the following words appear:..."Harvey Rd. is not a U.S. or Delaware route"... We will ask Senator Bair to explore the meaning of these words with the Secretary.

On the YMCA/Baldini project the latest news is that WMA is now actively negotiating with Dave Patterson to buy the 25.5 acre site. The situation has changed dramatically in the last week, even in the last few days. The 4 communities' efforts before the County Council in which so many people in this room played a part have convinced the Y to negotiate with a buyer that we approve of. The coordinating committee from the 3 Ardens plus Windybush has agreed to stop all confrontational tactics

and get behind the Montessori offer and help it succeed. The committee met for two hours with WMA on Saturday and explored our mutual concerns and ultimately reached a unanimous agreement on strategy. Following are six points of information:

1. Use of the land by WMA is compatible with the 4 communities' interests in keeping the site lightly developed.
2. There is a solidarity among the 4 communities on this point.
3. If the deal goes through the re-zoning will be withdrawn. Mr. Cecil is ready to cooperate on this point.
4. In order to strengthen the WMA's bargaining position the coordinating committee agreed to try to raise grants from the three Arden governments plus Windybysh Civic Association, in addition to private contributions to be coordinated by Shari Gallagher-Phalan.
5. Under Old Business Arden's grant of \$10,000 will be discussed and all questions answered. A resolution will be offered stating Arden's position in the matter and motions offered to carry the matter to completion.
6. If we can agree on this action together with the other 3 communities it will give the 4 communities a permanent influence in controlling the future use of the site in case WMA has to dispose of it or part of it.

Playground - Larry Walker

During the past two months, the one required playground inspection was made. The equipment was in good condition and the necessary repairs made.

Earlier this month, two infant swings and two park benches were purchased by the committee. These will be installed in April when the weather is warmer. On the Sherwood Green, the infant swing will be installed in the swing set nearest the sliding board, and the park bench will be installed in that area. On the Village Green, the infant swing will be installed in the Tot Lot swing set, and the park bench installed near the baseball backstop.

Registration - Virginia Shaw

There are 384 voters on the books at this date.

The committee conducted a referendum on the Trustees' nomination of Houston Roberts to fill the vacancy caused by the resignation of Cecil Liberman. The poll was open from January 14 to February 3, 1986. There were 393 eligible voters, of whom 271, or 71% returned ballots. The count was 116 for confirmation, 165 against. Having failed to receive a majority of the residents, the nomination was relected.

Safety - Tom Colgan

We have been meeting with the New Castle County Police discussing the enforcement of our traffic laws. As yet, this has not been resolved. We must be sure our signs conform to State law.

A member attended the seminar held by the State Fire Commission on the installation of home sprinkler systems. These can be installed for \$1,400 - \$1,800 in new construction, they will cost an additional 30% in older properties. The committee advised the seminar that they will support mandatory installation in new construction.

We received a copy of the Safety Resource Information

Report by the Senior Nursing Students of Neumann College.
They have not reviewed us as yet.

Town Watch can use more volunteers. Please contact Ruth Holcomb.

Ad Hoc Committee for shorter town meetings - Gail Rinehart

The committee will hold an open meeting on April 1, 7:30 PM at the BWVC. Residents are urged to attend and express their ideas.

OLD BUSINESS

YMCA Property - Cecilia Vore

Resolution

1. In order to prevent the proposed intensive development of the 25.5 acre YMCA land with its resultant heavy traffic on Harvey Road and pressure to widen Harvey Road, the Village of Arden will cooperate with Ardencroft, Ardentown and Windybush in seeking an alternative, compatible low intensity use of the land by the Wilmington Montessori Association.
2. The Arden Community Planning Committee is authorized to join with the 3 other communities in action to insure that WMA purchases the land, provided that the association dedicates 12.3 acres of stream valley and woodland for use as a park, and provided the Village of Ardencroft is willing to take responsibility for maintaining that park.
3. To accomplish these purposes, the Village of Arden will contribute \$10,000 to a fund to be raised by the 4 communities. This resolution is a policy statement by the Arden Town Assembly.

Motion #1

Moved that the Registration Committee be directed to hold a special referendum in April or May to authorize the expenditure of \$10,000 to be used toward the purchase of the YMCA land and the preservation of park land in cooperation with Ardentown, Ardencroft, Windybush and the Wilmington Montessori Association.

Motion #2

Moved that the Community Planning Committee be designated as Arden's representative on the coordinating committee for disposition of the YMCA land.

Cecilia explained that this solution offers Arden a real possibility of preventing heavy traffic on Harvey Rd. We would preserve 12.3 acres of woodland and the property would be developed in a manner complimentary to Arden's land use.

Questions:

1. What is the legal continuance of our influence? What legal control will we have 15 or 20 year from now? Will we have any control over the front part of the land? In return we will be guaranteed 12.3 acres of parkland.

2. The asking price for the area is \$345,000. What downpayment will be required? Will the \$40,000 from the 4 communities make the deciding difference?
3. How will Windybush raise their share? The community is relying on contributions from the swim club and from the 10 houses that abut the area.
4. What are WMA's school development plans? What enrollment do they project? Will they use buses or will the school be a weekday traffic generator? At least the school pick-up and delivery hours are staggered. There would be no night and weekend traffic.
5. How can we be sure WMA would not sell off the front portion of the land (now zoned commercial) for development? WMA says they have no interest in land investment, only in building a school, but we would need written agreement.
6. If WMA buys the property, will they move out of the BWVC? They have no development plans right now and they must give Arden 2 years notice.

Moved that the resolution be amended: Arden's \$10,000 contribution is contingent upon equivalent contribution from the other 3 communities.

Amendment accepted and passed.

Discussion:

It is hard to deal with specifics at this point since the plan is so recently developed. This is bound to be a less intensive land development plan than town houses or single family units. Baldini now threatens to build 50 single-family homes; this plan would require no rezoning.

We must decide on this resolution tonight as WMA must negotiate with Baldini within the week. They need a policy statement from us. We can't completely control the environment around Arden but we can create a buffer of 12.3 acres of parkland.

Resolution passed unanimously

Motion #1 passed

Motion #2 passed with the proviso that the town attorney be consulted before any deal is made.

Motion to reinstate ordinance #12 closing the woodland from dusk to dawn. This ordinance should be reviewed by every September Town Assembly.

Motion passed unanimously

Temma Tanzer offered to table her presentation of proposed taxation reforms until the June meeting because of the late hour.

NEW BUSINESS

Moved that for future referenda, eligible voters be counted on the day the referendum ballots are due rather than the day they are mailed.

Motion passed.

The Advisory Committee was directed to prepare guidelines for procedures to use when elected officials of Town Assembly cannot perform their duties.

GOOD AND WELFARE

The Secretary was instructed to extend condolences of Town Assembly to the Dossett family on the death of their son, David, and to Anna Ponte on the death of her son, Vincent.

The Secretary was instructed to write Vera and John Berk expressing Town Assembly's concern about their health and sudden move from the village.

Registration Committee Report on the results of the election

- Audit Committee: James Schwaber, convener, Mary Irons, & Marianne Cinaglia. William Bailey, runner-up.
- Budget Committee: Drew Burslem, convener, & Mary Irons. Ralph Luker, runner-up.
- Buzz Ware Village Center Committee: Sue Rohrbach, convener, & Bill Theis. Susan Warner, runner-up.
- Civic Committee: Paul Thompson, convener, Gene Shaw & Don Holcomb. Greg Condiff, runner-up.
- Community Planning Committee: Maria Burslem & Steve Tanzer tied. Romeo Hubner, runner-up.
- Playground Committee: Larry Walker, convener, & Dane Miller. Bill Theis, runner-up.
- Registration Committee: Virginia Shaw, convener, Ianier Colgan, Beatrice Jaffe & Choe Morley. Maryellen Jobson, runner-up.
- Safety Committee: Tom Colgan, convener, A. Barnes King & Donald Berman. Sam Starr elected to fill unexpired one-year term. Ed Kelly, runner-up.
- Advisory Committee Chairman: Donald Berman
- Town Assembly Secretary: Sally Hamburger
- Town Assembly Treasurer: Rae Gerstine

Sally Hamburger
Secretary